



VIA HAND DELIVERY NOVEMBER 13, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
He et al.

Docket No.: PF140P1D1

Application No.: 09/613,508

Group Art Unit: 1653

Filed: July 10, 2000

Examiner: G. Bugaisky

For: Interleukin-1  $\beta$  Converting Enzyme Like  
Apoptosis Protease-3 and 4

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**Statement Concerning the Deposited cDNA Clone**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned attorney of record hereby states:

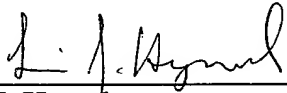
1. A plasmid containing human cDNA encoding an Interleukin-1 $\beta$  Converting Enzyme Like Apoptosis Protease-3 polypeptide was deposited under the terms of the Budapest Treaty on August 25, 1994 at the American Type Culture Collection (ATCC), Patent Depository, 10801 University Boulevard, Manassas, Virginia 20110-2209 (current address), and given accession number 75875. Likewise, a plasmid containing human cDNA encoding an Interleukin-1 $\beta$  Converting Enzyme Like Apoptosis Protease-4 polypeptide was deposited under the terms of the Budapest Treaty on August 25, 1994 at the American Type Culture Collection (ATCC), Patent Depository, 10801 University Boulevard, Manassas, Virginia 20110-2209 (current address), and given accession number 75873.

2. Assurance is hereby given that: (1) the deposits were made under terms of the Budapest Treaty; (2) except for the limitations allowed by 37 C.F.R. § 1.808(b), all restrictions on the availability to the public of the deposits will be irrevocably removed upon the granting of a patent from the captioned application; (3) the deposits have been made under conditions such that access to the material will be available during the pendency of the captioned patent application to one determined by the Commissioner; and (4) the deposits will be maintained with the care necessary to keep it viable and uncontaminated for a period of at least five years

after the most recent request for the furnishing of a sample of the deposits, and in any case, for a period of at least thirty years after the date of deposits or for the enforceable life of the patent, whichever period is longer.

Dated: 13 November 2002

Respectfully submitted,

By   
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